

बाह्ययंत्रणेकडून कामे करून घेण्यासाठी
सेवापुरवठादार संस्थेचे/एजन्सीचे पॅनल
नियुक्ती करण्यासाठी शासन मान्यता
देणेबाबत...शुध्दीपत्रक

महाराष्ट्र शासन
उद्योग, ऊर्जा व कामगार विभाग
शासन शुध्दीपत्रक क्रमांक : काआआ-२०१३/प्र.क्र.२३३/कामगार-८
मादाम कामा रोड, हुतात्मा राजगुरु चौक,
मंत्रालय, मुंबई - ४०० ०३२.
दिनांक: ०९ मे, २०२३.

वाचा:- या विभागाचा समक्रमांकाचा शासन निर्णय दि.१४.३.२०२३

शुध्दीपत्रक

प्रस्तावना:-

या विभागाच्या वाचा येथे नमूद शासन निर्णयान्वये बाह्य यंत्रणेकडून कामे करून घेण्यासाठी एकूण ०९ एजन्सीचे पॅनल नियुक्त करण्यात आले आहे. मा.मंत्रिमंडळाची मान्यता प्राप्त झाल्यानंतर तातडीने शासन निर्णय निर्गमित करणे आवश्यक असल्यामुळे वाचा येथे नमूद शासन निर्णयासोबत परिशिष्ट-ब मध्ये Standard Operating Procedure निर्गमित करण्यात आली आहे. सदर SOP मध्ये संपकालीन परिस्थितीत मनुष्यबळाच्या सेवा घेण्यासाठी अनुसरावयाची कार्यपद्धतीचा समावेश नसल्यामुळे त्याबाबतचा निर्णय दरम्यानच्या काळात घेण्यात आला आहे. तसेच, काही इतर अटी व शर्तीचा अंतर्भाव सुध्दा SOP मध्ये करण्याचे आवश्यक आहे. उक्त शासन निर्णयातील परि. २.३ मध्ये सेवा पुरवठादाराच्या पॅनल संदर्भात वेळोवेळी आवश्यक अटी व शर्ती (SOP) या विभागामार्फत तयार करण्याची तरतूद करण्यात आली आहे. सदर तरतूदीस अनुलक्षून वाचा येथे नमूद शासन निर्णयासोबतच्या अटी व शर्ती (SOP) मध्ये वरीलप्रमाणे सुधारणा करण्याची बाब शासनाच्या विचाराधीन होती.

शासन शुध्दीपत्रक:-

वाचा येथील शासन निर्णयामधील परि. २.३ येथील तरतूदीस अनुसरून उक्त दि.१४.०३.२०२३ रोजीच्या शासन निर्णयासोबत प्रसिद्ध केलेल्या अटी व शर्ती (SOP) अधिक्रमित करून या शुध्दीपत्रकाद्वारे सुधारित अटी व शर्ती (SOP) प्रसिद्ध करण्यात येत आहे.

२. याव्यतिरिक्त इतर तरतूदी दि. १४.०३.२०२३ रोजीच्या शासन निर्णयप्रमाणेच राहतील.

३. सदर शासन शुद्धीपत्रक महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आले असून त्याचा संकेतांक २०२३०५०९१७५२४५४७१० असा आहे. सदर शासन शुद्धीपत्रक डिजीटल स्वाक्षरीने साक्षांकित करुन काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

(दिपक पोकळे)

उप सचिव, महाराष्ट्र शासन

प्रत:-

१. मा. मंत्री (कामगार) यांचे खाजगी सचिव
२. मा. प्रधान सचिव (कामगार) उद्योग, ऊर्जा व कामगार विभाग, मंत्रालय, मुंबई
३. कामगार आयुक्त, महाराष्ट्र राज्य, मुंबई
४. विकास आयुक्त (असंघटीत कामगार), मुंबई.
५. संचालक, औद्योगिक सुरक्षा व आरोग्य संचालनालय, मुंबई.
६. संचालक, बाष्पके संचालनालय, मुंबई
७. कल्याण आयुक्त, महाराष्ट्र कामगार कल्याण मंडळ, मुंबई.
८. सचिव तथा मुख्य कार्यकारी अधिकारी, महाराष्ट्र इमारत व इतर बांधकाम कामगार कल्याणकारी मंडळ, मुंबई
९. सर्व मंत्रालयीन विभाग
१०. उद्योग, ऊर्जा व कामगार विभागातील सर्व कार्यासने
११. पॅनलवरील सर्व सेवापुरवठादार एजन्सीज
१२. निवडनरती / कामगार-८, संग्रहार्थ.

Standard Operating Procedure for Deployment of Manpower through Empanelled Agencies

Background:

- The Labour Department, Govt. of Maharashtra (herein after referred to as 'Department') vide its GR dated 14th March 2023 issued list of empanelled agencies for providing manpower on Fixed Term Basis under all Four (4) Categories namely Highly Skilled, Skilled, Semi-Skilled and Unskilled to all Government/ Semi Government, Urban and Rural Local Bodies, Corporations, Boards, PSUs and other Govt. Establishments (herein after referred to as 'User Department') throughout the State. The GR also States man-month rates for each type of resource and also specifies a Standard Operating Procedure applicable to The Labour Department, User Department and Empanelled Agencies.
- The Labour Department is setting up Outsourced Manpower Cell for management and monitoring of all activities of outsourcing.
- Labour Department (Outsourced Manpower Cell) is developing an Online Portal (Human Resource Monitoring System - HRMS) for effective Administrative / Financial Monitoring of all the important processes involved in deployment of Manpower in both Normal and Emergency Situations

Purpose:

The purpose of this SOP is to assist the Labour Department, User Department and Empanelled Agency for effective deployment of manpower across the State in the most seamless manner.

Standard Operating Procedure (SOP) to be adopted by the concerned Stakeholders (User Department/ Labour Department/ Department and Empanelled Agencies), is as below:

1. Registration of User Department & Empanelled Agencies:

- i. The User Department who wants to take up services of the Third Party Outsourced Manpower, on a Fixed Term basis, shall mandatorily do a registration on the HRMS Portal, developed for this purpose by the Labour Department.

Registration process will capture all the relevant details such as Name of the User Dept., Type of User Department, Office Address, Contact Details, Name and Designation of HOD/ Concerned Officials, Purpose of Registration, etc. and a profile of the User Department will be created. A System Generated Unique ID shall be created for User Department for further processing.
- ii. Similarly, The Empanelled Agencies shall also register themselves on the HRMS Portal. A unique id shall be generated for each Empanelled agency for further processing.
- iii. Empanelled Agencies who have submitted their bid in consortium, as per their discretion, may choose to create a Special Purpose Vehicle (SPV) and register Special Purpose Vehicle (SPV) with Labour Department.

2. Approval from Hon'ble Minister of respective User department

- i. Head of Department (HOD) shall assign any officer (DDO Level or Higher) as Nodal Officer for carrying deployment of manpower.
- ii. It shall be the responsibility of the HOD of the concerned Department to take prior approval of the concerned Minister for selecting the agency for deployment of manpower.
- iii. User Department shall ensure selection of appropriate agency for type of resource from required manpower category.
- iv. In case exact match of job posts / job roles, as required by User Department, is not available in resource list provided in GR, User Department can select closest matching job posts/ job roles as per GR.

3. Online Service Request for obtaining the Manpower Services:

- i. Once registered, the User Department can place an Online Service Request for seeking the Manpower Services by following procedure laid down in Para 2 above, through HRMS Portal. This online request will capture important details such as Category of Manpower needed, Job Roles along with required Quantity, Tentative Duration of Deployment of each job role, Expected Date of Deployment, Consent to Acceptance to Terms and Conditions, etc. There will be a provision for uploading the relevant documents along with this Online Service Request.

4. Issuance of Work Order to Empanelled Agency:

- i. User Department shall send Manpower request to selected agency on HRMS portal. Agency shall have to accept the request in T+3 days.
- ii. On acceptance of request by Agency, User department shall issue Work Order either by digitally signing or physically signing the Work Order in T+7 days from acceptance from agency.
- iii. User department shall digitally or physically sign the Work Order. Empanelled Agency shall provide consent / acceptance to Work Order within 3 Working Days from receipt of the Work Order.
- iv. The User department shall sign bi-patriate Agreement with the Empanelled agency once the consent/ acceptance to Work Order has been received from the Empanelled Agency. This signed bi-patriate agreement shall have to be uploaded on HRMS portal by the User Department. Model agreement to be signed as bipartite agreement between User Department and Empanelled Agency shall be uploaded on HRMS portal by the Labour Department. No additional Bank Guarantee shall be required to sign bi-patriate Agreement with User Department.
- v. In case of rejection of the Online Service Request, the User Department will be intimated about the same with appropriate reasons for rejection.

- vi. The User Department shall issue any work order to the Empanelled Agency outside HRMS Portal. Further, the Empanelled Agency should not accept any such work order issued outside of HRMS Portal.

5. Renewal Requests:

Similarly, for those User Departments who wish to renew the services that they have already sought, shall be able to do so using the Online Renewal Request mechanism on the portal, at least 1 month before the date of expiry of contract. In case of renewals, the User Department will have a choice to place an online request for a change in the currently deployed Empanelled Agency or continue with the same Empanelled Agency. User Department shall give one month prior notice for discontinuation of manpower services.

6. Deployment of Manpower:

- i. Agency shall deploy manpower within 30 days from signing of bi-partite agreement between User Department and Empanelled Agency
- ii. It will be the responsibility of Empanelled Agency that prior to the deployment; it shall undertake all required verification of the resources and the manpower (their employees to be deployed on project) as per User Department's working conditions for fixed term employment only.
- iii. User Department shall examine the qualification, experience etc. of the personnel provided before/during they are put on area positions. User Department has every right to reject the personnel, if the same is not acceptable, before or after commencement of the work order by providing the reasonable justification for the rejection.
- iv. The resources employed & deployed by the Empanelled Agency should have requisite qualifications and experienced with specialization in identified required work. These resources shall perform their duties in accordance with the instructions given by the officers of the User department from time to time. Agency shall conduct skill development training programs, preferably in Government Training Centers at the cost of agency, for the resources being deployed on regular basis as required and charges shall be borne by agency from their administrative fees / charges. If manpower has been trained on respective skill from government institution / organizations in two years before time of deployment, then respective manpower will be exempted from taking same training again for the particular skill.
- v. If the User Department so recommends, a deployed resource must be replaced by the Empanelled Agency within a period of 10 working days.
- vi. The Empanelled Agency shall ensure that, at no time there be more than 10% of the provided manpower on leave or absent from the duty.

- vii. In case of continuous leave of 5 working days, the Empanelled agency shall ensure temporary replacements of resources without any additional liabilities to User department.
- viii. Empanelled Agency needs to inform User Department, 1(one) month in advance [Work Order end date or 1 month, whichever is lesser] before the deployed manpower will leave any ongoing assignment (under any circumstances). Failing this will lead to penalty of amount equal to one-month respective resource's Work Order value.
- ix. Attendance of resources should be marked using IT System / Mobile App in timely manner

7. Payment:

The User Department shall make payment to the Empanelled agency as follows:

- i. Empanelled Agency shall submit their invoice alongwith online attendance of resources to User Department within 3 working days in subsequent month using HRMS portal.
- ii. Payment process shall be as below
 - a. 'Total Man-month cost' will be calculated through HRMS portal based on job roles, number of resources deployed, online attendance of resources, manpower rates as per GR dated 14.03.2023. This 'Total Man-month cost' shall be exclusive of all applicable taxes.
 - b. Agency shall generate invoice by adding 100% of 'Total Man-month cost' and applicable taxes (GST as per prevailing rates) to it. 'Total Man-month cost' plus applicable taxes will be 'Total Invoice Amount' and submit this invoice along with online attendance to User Department, which shall be paid by User Department within 7 Working Days from the Date of Submission of invoice.
- iii. User Department shall take following actions regarding submitted Invoice.
 - a. User Department shall calculate 1% of 'Total Man-month cost' as Cess and deduct from 'Total Invoice Amount'. Cess amount shall be payable by User Department within 7 Working Days from the Date of Submission of invoice, in designated bank account created for this purpose by Labour Department.
 - b. User Department shall calculate 2% of Total Man-month cost' as TDS on Income Tax and deduct from 'Total Invoice Amount'
 - c. User Department shall calculate 2% of Total Man-month cost' as TDS on GST and deduct from 'Total Invoice Amount'
 - d. Net Payable Amount to agency shall be obtained After deduction of Cess, TDS on Income Tax and TDS on GST from 'Total Invoice Amount'.

नमूना परिगणना तक्ता Invoice Creation by Agency				
Sr. No	Job Role	Number of Resources	Man-Month Rate	Total Man-Month Cost for Resource
1	Head Clerk	5	57,800	2,89,000
2	Junior Clerk	5	32,800	1,64,000
3	Total Man-month cost			4,53,000
4	GST @18%			81,540
5	Total Invoice Amount			5,34,540
Processing at User Department				
Sr. No	Particular	Value		
1	Total Man-month cost	4,53,000		
2	CGST @9% of Total Man-month cost	40,770		
3	SGST @9% of Total Man-month cost	40,770		
4	Total Invoice Amount	5,34,540		
5	Deduction of Cess @1% of Total Man-month cost	4,530		
6	Income Tax TDS @2% of Total Man-month cost	9,060		Payable to Labour Department
7	GST TDS @2% of Total Man-month cost	9,060		Payable to Income Tax
8	Net Payable	5,11,890		Payable to Agency

- iv. If User department makes payment through State Treasury/Account Department, User department shall have to create different payment orders as above.
- v. After payment processing from State Treasury / Account Department, UTR number for respective payment shall be entered in HRMS portal for information to Labour Department and Agency.
- vi. User department which can make payments directly without going through State Treasury, can process invoice as per procedure laid down in Para 7(ii) and make payment using payment gateway in HRMS portal.
- vii. The User Department shall make payment to the Empanelled Agency directly within 7 Working Days from the Date of Submission of invoice with online attendance by the Empanelled Agency to the User Department. Agency shall be responsible for monthly payment of staff irrespective of payment received from User Department.
- viii. All payments to Empanelled Agency will be made subject to deduction of TDS (Tax deduction at Source) applicable to deployment of professionals as per the income Tax Act, 1961, and also applicable penalty & other taxes, if any, as per Government of India & Government of Maharashtra rules.
- ix.
- x. In case the submission of monthly bills to the User Department by the Agency beyond 15 days from the last day of the month in which the manpower services have been provided, the entire liability towards payment of interest/penalty to the tax authorities would be borne by the respective Empanelled Agency; so that neither the User Department nor the Department is burdened unnecessarily with this amount/penalty etc. The entire amount will be deducted from the payment due to respective Empanelled Agency.

8. Penalties:

- i. Any unjustified and unacceptable delay resulting from reasons attributable to the Empanelled Agency as per Work order will render the Empanelled Agency liable for liquidated damages at the rate as mentioned in the following sections.
- ii. Penalty shall be applicable and processed as follows:
 - a. Post Award of the Work order, it shall be responsibility of Empanelled Agency to timely intimate User Department regarding any delay / issues for deployment of manpower as per Work Order issued to them.
 - b. On receipt of such information regarding any delay from Empanelled Agency, User Department may condone the delay and accept delayed deployment of manpower, or cancel the work order.
 - c. On award of Work Order, if empanelled agency does not deploy any manpower within 30 days and said delay was not condoned by User Department, then said work order shall be cancelled with immediate effect. In such event, one default shall be earmarked against Empanelled Agency and penalty of 1% of respective resource's value shall be levied on Empanelled Agency.
 - d. Similarly, for any partial deployment by Empanelled Agency, which is not condoned by User Department, penalty will be imposed by User Department on Empanelled agency at the rate of 0.5% per day of the services not delivered. Such penalty shall be recovered by User Department from invoices payable to empanelled agency or by raising claims to Empanelled Agency.
 - e. Overall penalty for an Empanelment Agency subject to a maximum of 10% of the contract value, post which said contract shall be terminated by User Department.
 - f. If invoices amount does not suffice for penalty amount, then User department may request Labour Department to take appropriate action.
- iii. On three recurrences of default related to non-execution of work orders for reasons attributable to the Empanelled Agency, Labour Department may stop said Empanelled Agency from accepting any further Work Orders.
- iv. If Empanelled Agency fails to remedy such default in spite of 30 days' written notice from User department to cure such default, Labour Department would be free to forfeit the defaulting Empanelled Agency's Performance Bank Guarantees received against the affected work orders and/ or termination of the Contract provided.
- v. Penalty amount recovered from Bank guarantee shall be recouped by Empanelled Agency within 15 days, failing which empanelment contract shall be terminated with immediate effect by the User Department

- vi. The Empanelled Agency shall not refuse to accept work order under any pretext. The selected Agency shall do the deployment of manpower within 30 working days / as per requirement of User Department, from the date of work order, failing which work order will stand cancelled and shall attract penalty.
- vii. If the Empanelled Agency for reasons attributable to it is not able to deploy the manpower as per the terms and conditions of the work order, applicable penalty clause shall be invoked and Department may forfeit Security Deposit/Performance Bank Guarantee in full. Besides this Department reserves the right to take any legal action against the Empanelled Agency.
- viii. Empanelled Agency needs to inform User Department and Labour Department, 1(one) month [Work Order end date or 1 month, whichever is lesser] in advance before the deployed manpower will leave any ongoing project (under any circumstances). Failing this will lead to penalty of amount equal to one-month manpower's Work Order value and 1 default shall be earmarked against Empanelled Agency.

9. Online Grievance Redressal:

The HRMS Portal shall have provision to raise Online Grievances which will be handled by a dedicated Support Team, which will be part of HRMS portal.

10. Operational Points:

- i. The Empanelled Agency shall provide resumes of suitable resources against deployment of each type of resource to the concerned head of the User Department.
- ii. Head of the Department / Officer of the User Department shall conduct interview if required and shortlist the resource/s.
- iii. Once the resource is deployed, the respective representative of the User Department shall allocate the work to be done to respective resource/s and the resource shall report to the User department's officials for all work related purpose.
- iv. The Empanelled agency shall deploy the manpower within 30 days (or within such additional time as may be allowed by the User Department) from the date of receipt of work order. Any additional deployment as requested by the User Department shall have to be met within 60 days (or within such additional time as may be allowed by the User Department) from the date of work order issued by the User Department.
- v. Depending on the business requirement Empanelled agency can reshuffle / withdraw/replace the resource/s, with prior permission of User Department.
- vi. Also, if resource is not found suitable for any reasons by the User Department, the User Department should report to agency to withdraw / replace the resource with due approval. The Empanelled agency shall withdraw / replace the respective resource after such approval of the User Department.

- vii. In case of misbehaviour / misconduct / malpractices / sexual harassment done by any of onsite deployed resource, Empanelled Agency shall immediately replace the resource involved in malpractice / misconduct / misbehaviour /sexual harassment, on intimation of same by User Department. Appropriate action, if required, may be initiated, for any misbehaviour / misconduct / malpractices / sexual harassment, by Empanelled Agency or User Department.
- viii. The User Department shall pay the agreed man-month rate for the deployed resources to the Empanelled agency as per the payment terms, failing which the Empanelled agency shall have right to withdraw the resources.
- ix. Government Holidays will be applicable to the resources deployed by Empanelled agencies in Government Department / Semi-Government Department / Local Bodies/ Corporations/ Public Sector Organizations during the empanelment period. Compensatory Off may be allowed by the User Department in case the resources have worked on Govt. Holidays.
- x. In case of night shift work allotted to female employees, appropriate transport and other facilities, as per labour laws, shall be provided by Empanelled Agency.

11. Adding Type of Resource to existing Master List:

For type of resource not mentioned in the Resource list, following process would be adopted:

- i. Labour Department shall form a committee which will review all requests received on HRMS Portal from all the Empanelled agencies, for addition of new type of resource in the Master list in the Agreement every six months.
- ii. The committee will shortlist the type of resource and their categories to be included in the Master List of Resources.
- iii. The committee may then call for online submission of man month rates (Commercial Quote) against each of the type of resource shortlisted in point 2 above, from the agencies empanelled in concerned manpower category, in an encrypted manner using the HRMS Portal.
- iv. The Committee may open the commercial quote and declare the L1 Rates for each of type of resource.
- v. These type of resource may be then added in the Master List and an official communication shall be submitted to all the Empanelled Agencies User Departments regarding the addition of new type of resource.
- vi. The Committee shall ensure that there is not more than 10% increase in 1 year, in the total count of type of resource in the Master List of Type of Resource in any manpower category under the scope of this tender.

Standard Operating Procedure for Deployment of Manpower through Empanelled Agencies during any Crisis/Emergency Situations such as Natural Disasters/ State Govt. Employee Strike

Background:

- The Labour Department, Govt. of Maharashtra (herein after referred to as 'Department') vide its GR dated 14th March 2023 issued list of empanelled agencies for providing manpower on Fixed Term Basis under all Four (4) Categories namely Highly Skilled, Skilled, Semi-Skilled and Unskilled to all Government/ Semi Government, Urban and Rural Local Bodies, Corporations, Boards, PSUs and other Govt. Establishments (herein after referred to as 'User Department') throughout the State. The GR also States man-month rates for each type of resource and also specifies a Standard Operating Procedure applicable to The Labour Department, User Department and Empanelled Agencies.
- The Labour Department is setting up Outsourced Manpower Cell for management and monitoring of all activities of outsourcing.
- Labour Department (Outsourced Manpower Cell) is developing an Online Portal (Human Resource Monitoring System - HRMS) for effective Administrative / Financial Monitoring of all the important processes involved in deployment of Manpower in both Normal and Emergency Situations

Purpose:

The purpose of this SOP is to assist the Labour Department, User Department and Empanelled Agency for effective deployment of manpower across the State in the most seamless manner.

Standard Operating Procedure (SOP) to be adopted by the concerned Stakeholders (User Department/ Labour Department/ Department and Empanelled Agencies), is as below:

1. Registration of User Department & Empanelled Agencies:

- i. The User Department who wants to take up services of the Outsourced Manpower, on a Fixed Term basis, shall mandatorily register on the HRMS Portal. Those User Departments which are already registered do not need to register again.
- ii. Registration process will capture all the relevant details such as Name of the User Dept., Type of User Department, Office Address, Contact Details, Name and Designation of HOD/ Concerned Officials, etc. and a profile of the User Department will be created. A System Generated Unique ID shall be created for User Department for further processing.
- iii. All the Empanelled Agencies shall be registered on the HRMS Portal. A unique id shall be generated for each Empanelled agency for further processing.

- iv. In case of emergency situations, the registrations can be carried out in an offline manner where the request for registration can be sent, on an email specially created for this purpose, to the Outsourced Manpower Cell at the Labour Commissionerate Office (henceforth referred as OM Cell).
- v. In case exact match of job posts / job roles, as required by User Department, is not available in resource list provided in GR, User Department can select closest matching job posts/ job roles as per GR.

2. Approval from respective department's Hon'ble Minister

- i. Head of Department (HOD) shall assign any officer (DDO Level or Higher) as Nodal Officer for carrying deployment of manpower
- ii. It shall be the responsibility of the HOD of the concerned Department to take prior approval of the concerned Minister for selecting the agency for deployment of manpower.
- iii. The User Department shall immediately inform the OM Cell regarding any such requirement so that OM Cell can take appropriate steps for ensuring the manpower deployment

3. Service Request for obtaining the Manpower Services:

- i. Nodal Officer will enter manpower requirement on HRMS portal, select Agency and upload Minister approval confirmation on the portal.
- ii. Manpower request shall be sent to selected agency on HRMS portal. Agency shall have to accept the request in T+1 days.
- iii. In some situations, it is possible that One Agency may not be able to deploy large number of manpower in short notice particularly during Natural Disasters, Law and Order Situations and so on. Therefore the User Department will have the right to bifurcate their manpower requirements between multiple agencies.
- iv. For manpower requests in Crisis/Emergency Situation, duration of deployment in HRMS portal will be kept optional. Duration for such deployment may depend on prevailing situation, and shall be kept open ended.
- v. User Department may request Agency to stop / discontinue deployment of manpower by giving notice of 15 working days.
- vi. In case of emergency situations, it is possible that specific requirements of job roles such as nurses, bed side assistants etc. are not covered in the Annexure for List of Types of Resources issued by the Labour

Department. The service requests for such resources from various User Departments shall also be provided by the Empanelled Agencies.

4. Issuance of Work Order to Empanelled Agency:

- i. On acceptance of request by Agency, User department shall issue Work Order either by digitally signing or physically signing the Work Order in 1 working days from acceptance from agency.
- ii. Work order in Crisis/Emergency Situation can serve as commencement of contract until bi-partite agreement is signed between User Department and Agency. No additional Bank Guarantee shall be required to sign bi-patriate Agreement with User Department.
- iii. All these documents in specific emergency situations can also be done in offline mode also.

5. Renewal Requests:

- i. Similarly, for those User Departments who wish to renew the services that they have already sought, shall be able to do so using the Online Renewal Request mechanism on the portal, at least 1 week before the date of expiry of contract. In case of emergency situations, the renewal requests can be sent, on an email specially created for this purpose, to the OM Cell at the Labour Commissionerate Office
- ii. In case of renewals, the User Department will have a choice to place an online request for a change in the currently deployed Empanelled Agency or continue with the same Empanelled Agency. User Department shall give one month prior notice for discontinuation of manpower services.

6. Deployment of Manpower:

- i. Agency shall deploy manpower within 7 days from placing of Work Order
- ii. It will be the responsibility of Empanelled Agency that prior to the deployment; it shall undertake all required verification of the resources and the manpower (their employees to be deployed on project) as per User Department's working conditions for fixed term employment only.
- iii. These resources shall perform their duties in accordance with the special instructions given by the officers of the User department from time to time
- iv. Agency shall deploy only such manpower which is well trained to handle work in emergency situations and is able to carry out tasks efficiently in short time.
- v. If the User Department so recommends, a deployed resource must be replaced by the Empanelled Agency within a period of 5 working days.
- vi. The Empanelled Agency shall ensure that, at no time there be more than 3% of the provided manpower on leave or absent from the duty.

- vii. In case of continuous leave of 2 working days, the Empanelled agency shall ensure temporary replacements of resources without any additional liabilities to User department.
- viii. Empanelled Agency needs to inform User Department, 1(one) month in advance [Work Order end date or 1 month, whichever is lesser] before the deployed manpower will leave any ongoing assignment (under any circumstances). Failing this will lead to penalty of amount equal to one-month manpower's Work Order value.
- ix. Manpower shall record their attendance through Online mobile application and in emergency situations it shall be considered as the official document for payment purposes.
- x. In case of emergency situations, it is possible that specific requirements of job roles such as nurses, bed side assistants etc. are not covered in the Annexure for List of Types of Resources issued by the Labour Department. The requests for such resources from various User Departments shall also be provided by the Empanelled Agencies.

7. Payment:

The User Department shall make payment to the Empanelled agency as follows:

- i. Empanelled Agency shall submit their invoice to User Department within 3 working days in subsequent month using HRMS portal.
- ii. Payment process shall be as below
 - a. 'Total Man-month cost' will be calculated through HRMS portal based on job roles, number of resources deployed, online attendance of resources, manpower rates as per GR dated 14.03.2023. This 'Total Man-month cost' shall be exclusive of all applicable taxes.
 - b. Agency shall generate invoice by adding 100% of 'Total Man-month cost' and applicable taxes (GST as per prevailing rates) to it. 'Total Man-month cost' plus applicable taxes will be 'Total Invoice Amount' and submit this invoice along with online attendance to User Department, which shall be paid by User Department within 7 Working Days from the Date of Submission of invoice.
- iii. User Department shall take following actions regarding submitted Invoice.
 - a. User Department shall calculate 1% of 'Total Man-month cost' as Cess and deduct from 'Total Invoice Amount'. Cess amount shall be payable by User Department within 7 Working Days from the Date of Submission of invoice, in designated bank account created for this purpose by Labour Department.
 - b. User Department shall calculate 2% of Total Man-month cost' as TDS on Income Tax and deduct from 'Total Invoice Amount'
 - c. User Department shall calculate 2% of Total Man-month cost' as TDS on GST and deduct from 'Total Invoice Amount'

- d. Net Payable Amount to agency shall be obtained After deduction of Cess, TDS on Income Tax and TDS on GST from 'Total Invoice Amount'.

नमूना परिगणना तक्ता Invoice Creation by Agency				
Sr. No	Job Role	Number of Resources	Man-Month Rate	Total Man-Month Cost for Resource
1	Head Clerk			
2	Junior Clerk	5	57,800	2,89,000
3	Total Man-month cost	5	32,800	1,64,000
4	GST @18%			4,53,000
5	Total Invoice Amount			81,540
				5,34,540
Processing at User Department				
Sr. No	Particular	Value		
1	Total Man-month cost	4,53,000		
2	CGST @9% of Total Man-month cost	40,770		
3	SGST @9% of Total Man-month cost	40,770		
4	Total Invoice Amount	5,34,540		
5	Deduction of Cess @1% of Total Man-month cost	4,530		Payable to Labour Department
6	Income Tax TDS @2% of Total Man-month cost	9,060		Payable to Income Tax
7	GST TDS @2% of Total Man-month cost	9,060		Payable to GST
8	Net Payable	5,11,890		Payable to Agency

- iv. If User department makes payment through State Treasury/Account Department, User department shall have to create different payment orders as above.
- v. After payment processing from State Treasury / Account Department, UTR number for respective payment shall be entered in HRMS portal for information to Labour Department and Agency.
- vi. User department which can make payments directly without going through State Treasury, can process invoice as per procedure laid down in Para 7(ii) and make payment using payment gateway in HRMS portal.
- vii. The User Department shall make payment to the Empanelled Agency Portal within 7 Working Days from the Date of Submission of invoice with online attendance by the Empanelled Agency to the User Department. Agency shall be responsible for monthly payment of staff irrespective of payment received from User Department.
- viii. All payments to Empanelled Agency will be made subject to deduction of TDS (Tax deduction at Source) applicable to deployment of professionals as per the income Tax Act, 1961, and also applicable penalty & other taxes, if any, as per Government of India & Government of Maharashtra rules.
- ix. In case the submission of monthly bills to the User Department by the Agency beyond 15 days from the last day of the month in which the manpower services have been provided, the entire liability towards payment of interest/penalty to the tax authorities would be borne by the respective Empanelled Agency; so that neither the User Department nor the Department is burdened unnecessarily with this amount/penalty etc. The entire amount will be deducted from the payment due to respective Empanelled Agency.

7. Penalties:

- i. Any unjustified and unacceptable delay resulting from reasons attributable to the Empanelled Agency as per Work order will render the Empanelled Agency liable for liquidated damages at the rate as mentioned in the following sections.
- ii. Penalty shall be applicable and processed as follows:
 - a. Post Award of the Work order, it shall be responsibility of Empanelled Agency to timely intimate User Department regarding any delay / issues for deployment of manpower as per Work Order issued to them.
 - b. On receipt of such information regarding any delay from Empanelled Agency, User Department may condone the delay and accept delayed deployment of manpower, or cancel the work order.
 - c. On award of Work Order, if empanelled agency does not deploy any manpower within 7 days and said delay was not condoned by User Department, then said work order shall be cancelled with immediate effect. In such event, one default shall be earmarked against Empanelled Agency and penalty of 5% of respective resource's value shall be levied on Empanelled Agency.
 - d. Similarly, for any partial deployment by Empanelled Agency, which is not condoned by User Department, penalty will be imposed by User Department on Empanelled agency at the rate of 2% per day of the services not delivered. Such penalty shall be recovered by User Department from invoices payable to empanelled agency or by raising claims to Empanelled Agency.
 - e. Overall penalty for an Empanelment Agency subject to a maximum of 10% of the contract value, post which said contract shall be terminated by User Department.
 - f. If invoices amount does not suffice for penalty amount, then User department may request Labour Department to take appropriate action from Bank Guarantee submitted by Agency.
- iii. On three recurrences of default related to non-execution of work orders for reasons attributable to the Empanelled Agency, Labour Department may stop said Empanelled Agency from accepting any further Work Orders.
- iv. If Empanelled Agency fails to remedy such default in spite of 30 days' written notice from User department to cure such default, Labour Department would be free to forfeit the defaulting Empanelled Agency's Performance Bank Guarantees received against the affected work orders and/ or termination of the Contract provided.
- v. Penalty amount recovered from Bank guarantee shall be recouped by Empanelled Agency within 7 days, failing which empanelment contract shall be terminated with immediate effect by the User Department.
- vi. The Empanelled Agency shall not refuse to accept work order under any pretext. The selected Agency shall do the deployment of manpower within 7 working days / as per requirement of User Department, from the date of work order, failing which work order will stand cancelled and shall attract penalty.

- vii. Empanelled Agency needs to inform User Department and Outsource Manpower Cell month [Work Order end date or 1 month, whichever is lesser] in advance before the deployed manpower will leave any ongoing project (under any circumstances). Failing this will lead to penalty of amount equal to one-month manpower's Work Order value and 1 default shall be earmarked against Empanelled Agency.

8. Online Grievance Redressal:

The HRMS Portal shall have provision to raise Online Grievances which will be handled by a dedicated Support Team, which will be part of HRMS portal. In case of specific emergency situations, the grievances can be send in offline manner to the OM Cell

9. Operational Points:

- i. The concerned User Department shall ensure that in emergency situations they provide necessary support to the empanelled agency in ensuring their staff is able to access the office securely.
- ii. The Empanelled Agency shall provide resumes of suitable resources against deployment of each type of resource to the concerned head of the User Department.
- iii. Head of the Department / Officer of the User Department shall conduct interview if required and shortlist the resource/s.
- iv. Once the resource is deployed, the respective representative of the User Department shall allocate the work to be done to respective resource/s and the resource shall report to the User department's officials for all work related purpose.
- v. Depending on the business requirement Empanelled agency can reshuffle / withdraw/replace the resource/s, with prior permission of User Department.
- vi. Also, if resource is not found suitable for any reasons by the User Department, the User Department should report to agency to withdraw / replace the resource with due approval. The Empanelled agency shall withdraw / replace the respective resource after such approval of the User Department.
- vii. In case of misbehaviour / misconduct / malpractices / sexual harassment done by any of onsite deployed resource, Empanelled Agency shall immediately replace the resource involved in malpractice / misconduct / misbehaviour /sexual harassment, on intimation of same by User Department. Appropriate action, if required, may be initiated, for any misbehaviour / misconduct / malpractices / sexual harassment, by Empanelled Agency or User Department.
- viii. The User Department shall pay the agreed man-month rate for the deployed resources to the Empanelled agency as per the payment terms stipulated in the GR, failing which the Empanelled agency shall have right to withdraw the resources.
- ix. Government Holidays will be applicable to the resources deployed by Empanelled agencies in Government Department / Semi-Government Department / Local Bodies/ Corporations/ Public Sector Organizations during the empanelment period. Compensatory Off may be allowed by the User Department in case the resources have worked on Govt. Holidays

- X.** In case of night shift work allotted to female employees, appropriate transport and other facilities, as per labour laws, shall be provided by Empanelled Agency.